

BOARD OF SELECTMEN

Minutes of the Meeting of 16 June 2005 at 4:00 PM. The meeting took place in the Nantucket High School Cafeteria, 10 Surfside Road, Nantucket, MA 02554. Members of the Board present were Douglas Bennett, Whiting Willauer, Michael Glowacki and Brian Chadwick. Bruce Watts was absent. Chairman Glowacki called the meeting to order at 4:00 PM.

Public Hearing to Consider Request for Variance from Sanitary Sewer Policy for Property Situated at 52 Cato Lane (continued from June 2, 2005). Town Administrator Gibson reported that she received notification from the attorneys involved in this matter that an agreement has been reached between the parties involved in this matter which would result in no variance request. Ms. Gibson stated that because she only has received verbal notification, she recommended the hearing be continued until August 18, 2005, pending receipt of a written agreement. By unanimous consent, the Board agreed to the continuance.

Public Hearing to Consider Public Assembly Permit Application of George Cloutier for Fundraising Event Scheduled for July 22, 2005 at 40 Low Beach Road, Siasconset. Chairman Glowacki opened the hearing and asked if any individual was present who wished to speak in favor of, or in opposition to the application. Applicants Cheryl Bartlett and George Cloutier spoke in favor. As no individual spoke in opposition, Chairman Glowacki closed the hearing and Mr. Bennett moved to approve the application; seconded by Mr. Willauer. So voted.

Chairman Glowacki excused himself from the table and left the meeting thus abstaining from the following agenda item. Chairman Glowacki did not return to the meeting.

Public Hearing to Hear Appeal of Moncure Chatfield-Taylor Regarding the Historic District Commission's (HDC) "Reaffirmation" to Approve Certificate of Appropriateness No. 44,237 to Approve Commercial Club House; Certificate of Appropriateness No. 44,458 to Approve Commercial Pool House and Certificate of Appropriateness Nos. 44,459, 44,460 and 44,481 for Demolition of Three Buildings at 96/97 Washington Street Extension. Vice-chairman Bennett, acting as Chairman, swore in those individuals who would be giving testimony and opened the hearing. Acting chairman Bennett stated that he has received some recent information and asked counsels for both parties to approach the table. Town Counsel Paul DeRensis noted there are five appeals before the Board of Selectmen but two of them (approval of the Pool House and Clubhouse) cannot be heard. Mr. DeRensis explained that the Historic District Commission (HDC) voted on February 8, 2005 to "reaffirm" its approval of both the clubhouse and the sports barn and filed the minutes of this vote with the Town Clerk on March 17, 2005. Mr. DeRensis expressed his opinion that because new certificates of appropriateness were never filed, "no appealable event has occurred and no appeal is properly before the Board." Edward Woll, attorney for Great Harbor Yacht Club (GHYC) disagreed with Mr. DeRensis and stated that the appeal period starts when the minutes are filed and consequently, the appellant, Moncure Chatfield-Taylor, has filed an "untimely" appeal as the appeal period expired on March 28, 2005. Mr. Woll added that in the many HDC appeals he has been involved with, the filing of minutes with the Town Clerk is the determining factor as to when the appeal period begins. Mr. DeRensis stated that, regardless of past practice, the statute states there must be a certificate of "determination" filed. A discussion followed among the individuals at the table as to what is a certificate of "determination" and Mr. DeRensis stated it is a certificate of "appropriateness." Mr. DeRensis concluded by stating that the other three appeals (demolitions) are in order and may be heard today.

Mr. Willauer expressed his opinion that in order to "approve" the demolition, the project taking its place must be approved so he is reluctant to hear the demolition appeals at this time. Sarah Alger, also an attorney for GHYC and Mr. Woll argued that the clubhouse approval is not predicated on any demolition and the scope of the Board's review is not to decide the "merits" of the HDC decision. After some additional dialogue between all parties, Mr. Chadwick moved to continue the hearing for 2 weeks; seconded by Mr. Willauer. Town Administrator Gibson stated that the Board is not scheduled to meet again for public hearings until July 21, 2005 and Mr. Chadwick amended his motion to continue the hearing until July 21, 2005; seconded by Mr. Willauer. So voted.

There being no further business before the Board, the meeting was unanimously adjourned at 4:30 PM.

Approved the 20th day of July 2005.